



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,044	09/05/2003	Brett Vecsey	23-0174	1084

40158 7590 12/23/2004

LEONARD & PROEHL, PROF. L.L.C.  
3500 SOUTH FIRST AVENUE CIRCLE  
SUITE 250  
SIOUX FALLS, SD 57105

EXAMINER

WIEKER, AMANDA FLYNN

ART UNIT PAPER NUMBER

3743

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/657,044	Applicant(s) VECSEY, BRETT	
	Examiner Amanda F. Wieker	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "22" and "36" both appear to designate the same piece of structure. It is unclear what is the difference between reference numbers 22 and 36. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,817,041 to Bader.

Bader discloses a leg support system comprising a weight-bearing support cuff (2, 3) adapted to fit around a user's lower leg below the knee, and support members (9) extending

Art Unit: 3743

down from said support cuff, said support members having a length adapted for engaging a supporting surface when the user transfers weight onto the user's leg whereby said support members transfer weight bearing of the user to said support cuff. Each support member has an arcuate lower surface (8, 11, 22) for facilitating pivoting of said support members on a supporting surface to approximate a natural walking motion. Bader discloses a plurality of straps (14) for securing said support cuff and said support members to the user's leg. The support cuff includes a pair of raised upper side portions such that a front edge (27) of said support cuff extends up and around a patellar region of the user from beneath the patellar region of the user for preventing displacement of a patella of the user during use. Each support member has an extension portion and a foot portion, said extension portion extending from said foot portion at an angle such that said extension portion is adapted for positioning in front of a lateral malleolus of the user, as can be deduced from the relative dimensions shown in the Figures. The support cuff (2, 3) tapers to conform (at 24, for example) to a shape of a user's leg tapering in the direction from a lower calf portion toward an ankle region of the user. The system further comprises a pair of cuff straps (14) extending around the support cuff for facilitating securing of said support cuff to the user to prevent slippage of the support cuff during use.

4. Claims 1, 3-4, 6-7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 3,805,773 to Sichau.

Sichau discloses a leg support system comprising a weight-bearing support cuff (100) adapted to fit around a user's lower leg below the knee, and support members (linked combination of 101, 88, 80, 54) extending down from said support cuff, said support members having a length adapted for engaging a supporting surface (via 60) when the user transfers

Art Unit: 3743

weight onto the user's leg whereby said support members transfer weight bearing of the user to said support cuff. The length that each support member extends below said support cuff is adjustable. Each support member includes a screw slot (89) for coupling said support member to the support cuff, via a plurality of screws (103) which are adjustably engageable to a respective one of said support members by tightening the screw at a selectable position within a respective one of said screw slots, whereby the length each support member extends below said support cuff can be adjusted. Sichau discloses a plurality of straps (109, 65, 66, 71, 72) for securing said support cuff and said support members to the user's leg. The system further comprises a pair of cuff straps (109) extending around the support cuff for facilitating securing of said support cuff to the user to prevent slippage of the support cuff during use. Sichau specifies that the supporting surface contacting area of the support members be covered with a rubber sole, to allow use of the system with or without a conventional shoe.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bader in view of U.S. Patent Number 3,805,773 to Sichau.

Bader discloses the previously described leg support system having a support cuff positioned below the knee, and two support members extending from said support cuff towards a supporting surface to engage said supporting surface. The lower surfaces of the

support members are adapted to contact the supporting surface when in use, though Bader does not specify that the lower surface be provided with a rubber covering.

Sichau discloses a leg support system comprising a support cuff (100) adapted to fit around a user's leg below the knee, and support members (88) extending from said support cuff and having a length for engaging a supporting surface when the user transfers weight onto the user's leg whereby said support members transfer weight bearing of the user to said support cuff. Sichau specifies that the supporting surface contacting area of the support members be covered with a rubber sole, to allow use of the system with or without a conventional shoe.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the leg support system as disclosed by Bader, wherein the support surface contacting area of the support members includes a rubber covering, as taught by Sichau, to allow use of the system with or without a conventional shoe.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bader in view of U.S. Patent Number 5,605,535 to Lepage.

Bader discloses the previously described leg support system having a support cuff positioned below the knee, and two support members extending from said support cuff towards a supporting surface to engage said supporting surface. Bader discloses a plurality of support straps (14) that secure the support cuff to the user's leg, but does not specify support straps to secure the support members to the user's leg.

Lepage discloses a leg support system comprising a support cuff (44) adapted to fit around a user's leg below the knee, and support members (22a, 22b) extending from said support cuff and having a length for engaging a supporting surface when the user transfers weight onto the user's leg whereby said support members transfer weight bearing of the user to

Art Unit: 3743

said support cuff. Lepage discloses support straps (30, 31, 42, 28, 29) that secure both the support cuff and the support members to the user's leg, to provide a comfortable securement of the leg support system to the user's leg.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the leg support system as disclosed by Bader, wherein the support members are secured to the leg by straps, as taught by Lepage, to provide a comfortable securement of the entire leg support system to the user's leg.

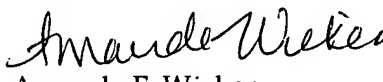
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda F. Wieker whose telephone number is 571-272-4794. The examiner can normally be reached on Monday-Thursday, 8:30 - 6:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700

  
Amanda F. Wieker  
Examiner  
Art Unit 3743